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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,567	03/30/2006	Alfonso Branca	23455	2929
535	7590	11/16/2007		
K.F. ROSS P.C. 5683 RIVERDALE AVENUE SUITE 203 BOX 900 BRONX, NY 10471-0900			EXAMINER PRASAD, CHANDRIKA	
			ART UNIT 2839	PAPER NUMBER
			MAIL DATE 11/16/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/559,567

Applicant(s)

BRANCA, ALFONSO

Examiner

Chandrika Prasad

Art Unit

2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10, 12, 15-27, 30 and 32-39 is/are pending in the application.
- 4a) Of the above claim(s) 33-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 12, 15-27, 30 and 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/28/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Applicant's election without traverse of Group I (claims 1-8,10,12,15-27) in the reply filed on 10/17/07 is acknowledged. The arguments regarding claims 30 and 32 are persuasive and is hereby joined for examination.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4, 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 4 recites the limitation "the head" in line 4. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 3-8, 20, 21, 27, 30 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Sjostedt (7137617).

Sjostedt (Figures 1-28) shows a junction system for joining a filiform element to a connection element comprising a tubular element 206, 208 fitted on an end section of the filiform element and having an eye (not numbered) for hooking the connection element wherein the filiform element consists of a single composite round bar 204 mating with the tubular element along a continuous side contacting surface and the tubular element and the eye are made separately. The tubular element has a curved section defining the eye and straight sections with predetermined lengths distal and proximal from an end of the filiform element. Means are provided to bond the tubular element to the filiform element using adhesives or removable connection. The tubular element has a flared edge. The connection means include a threaded stem and a screw connection.

7. Claims 1-8, 30 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Shaw (5136755).

Shaw shows a junction system for joining a filiform element to a connection element comprising a tubular element 20 fitted on an end section of the filiform element 10 and having an eye 26 for hooking the connection element wherein the filiform element consists of a single composite round bar mating with the tubular element along a continuous side contacting surface and the eye and the tubular element are made in a single piece. The tubular element has a curved section defining the eye and straight sections with predetermined lengths distal and proximal from an end of the filiform element. Means are provided to bond the tubular element to the filiform element using adhesives or removable connection. The tubular element has a flared edge.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 10, 12 and 26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw (5136755) or Sjostedt (7137617).

Shaw as well as Sjostedt discloses all the features of these claims except the filiform element made of heatable thermoplastic and the tubular element made of steel. These materials are well known, readily available and widely used. It would have been obvious to one of ordinary skill in the art at the time of the instant invention to make the filiform element of thermoplastic and the tubular element of steel because these materials are well known, readily available and widely used, it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use. In re Leshin, 125 USPQ 416.

10. Claims 15-17 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw (5136755) or Sjostedt (7137617).

Shaw as well as Sjostedt discloses all the features of these claims except a protective coating of predetermined color with a length marker and an antiunthreading means in the form of a conical or frustoconical pin. An official notice is given that these features are well known, readily available and widely used. It would have been obvious to one of ordinary skill in the art at the time of the instant invention to provide these

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features for their intended purposes which are well known, readily available and widely used, it involves only routine skill in the art.

11. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw (5136755) or Sjostedt (7137617) in view of Mirabella et al. (6164987) or Tomasino (6488548).

Shaw as well as Sjostedt discloses all the features of these claims except a ring to close the eye. These features are well known and widely used. Mirabella as well as Tomasino shows these features. It would have been obvious to one of ordinary skill in the art at the time of the instant invention to provide these features for their intended purposes which are well known and widely used, it involves only routine skill in the art and as shown by Mirabella or Tomasino.

#### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 attached.

#### ***Contact Information***

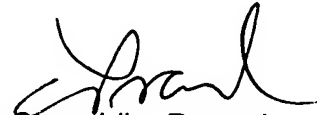
13. Any correspondence to this action may be mailed to:

**Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chandrika Prasad whose telephone number is (571) 272-2099.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor can be reached at (571) 272-2800 ext 39. The fax number is 571-273-8300.

A handwritten signature in black ink, appearing to read 'Prasad', with a stylized flourish at the end.

Chandrika Prasad

Primary examiner

November 11, 2007